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October 24, 2022

VIA ECF

District Judge Jennifer L. Rochan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Carol Lopez v. City of New York, et al.,
20 Civ. 2502 (JLR)

Your Honor:

I represent defendants City of New York, Anthony Saline, William Gonzalez, and Crystal Dones, and Steven Torres in the above-referenced matter. Defendants write jointly with plaintiff's counsel to respectfully request an extension of fact discovery, from November 18, 2022, until February 8, 2023. This is the parties' fourth such request. The parties' previous three requests were granted. A proposed revised case management plan is attached hereto.

By way of background, discovery was originally currently scheduled to close on September 10, 2021 (ECF No. 31). On September 9, 2021, the Court granted the parties' request to extend the close of discovery to December 9, 2021 (ECF No. 54), and on December 7, 2021, the Court granted the parties' request to extend the close of discovery to May 31, 2022 (ECF No. 59). On May 27, 2022, the Court granted the parties' request for an extension of discovery *sine die*, pending resolution of defendants' motion to dismiss plaintiff's Monell claim (ECF No. 74). During a status conference on July 28, 2022, the Court set the close of discovery for November 18, 2022 (See Docket Entry Dated July 28, 2022). Thereafter, this case was reassigned to Your Honor, and on September 26, 2022, the Court ordered the parties to submit a joint status letter by October 11, 2022 (ECF No. 79). On October 11, 2022, the parties filed a joint status letter, wherein they requested an extension of discovery to February 8, 2023, given counsel's other commitments and plaintiff's ongoing medical treatment, which has delayed depositions (ECF No. 80). On October 11, 2022, the Court ordered the parties to submit a letter motion for an extension of time to complete discovery and attach a proposed revised case management plan (ECF No. 81).

As the parties noted in their status letter dated October 11, 2022, the parties have exchanged discovery but have not yet completed depositions. Plaintiff has advised defendants that plaintiff is receiving ongoing treatment related to the alleged incident giving rise to this case, and that

plaintiff will continue to provide updated releases and medical records pertaining to such treatment. Plaintiff's ongoing treatment has delayed the parties' ability to complete depositions, as, for example, defendants cannot complete plaintiff's deposition before receiving records relating to purportedly relevant medical treatment. Moreover, as the parties further noted in their October 11, 2022 status letter, counsel has been very busy with the 2020 protest cases, which has caused discovery to move forward somewhat slower than normal.

Accordingly, the parties respectfully request that the Court extend the close of fact discovery to February 8, 2023, and endorse the attached proposed revised case management plan. Thank you for your time and consideration.

Respectfully submitted,

/s/ *Zachary Kalmbach*

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Encl.

cc: **Via ECF**

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